



Snohomish County

**Planning and Development
Services**

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MEMORANDUM

TO: Councilmember Megan Dunn, Council Chair, District 2
Councilmember Jared Mead, Council Vice-Chair, District 4
Councilmember Nate Nehring, District 1
Councilmember Sam Low, District 5

Dave Somers
County Executive

FROM: Michael McCrary, Director
Planning and Development Services

VIA: Matthew Siddons, Senior Planner
Planning and Development Services

SUBJECT: Proposed Harrison Annexation by Snohomish Regional Fire & Rescue (SRFR), BRB #06-2022

DATE: September 6, 2022

The purpose of this staff report is to provide the County Council with a review and recommendation for the Snohomish Regional Fire & Rescue (SRFR) Harrison annexation BRB #06-2022. The Board of Commissioners for SRFR has accepted a petition for the annexation of the parcel at 22020 157th Avenue SE, Snohomish, Washington. The five-acre parcel is located west of High Bridge Road and north of the border with King County. Currently, the parcel does not have fire protection or EMS services. County staff reviewed the district's annexation proposal according to section 2.77.040 of the Snohomish County Code (SCC) and Revised Code of Washington(RCW) 52.04. The review criteria in SCC 2.77.040 includes the factors and objectives considered by the Boundary Review Board (BRB) such as consistency with the Growth Management Act (GMA), Countywide Planning Policies (CPPs), and the County's comprehensive plan, as well as impacts to County services and facilities. This report is provided pursuant to Chapter 2.77 SCC, and RCW 52.04.

BACKGROUND

On October 15, 2021, the BRB received the Notice of Intention (NOI) for the annexation proposal and deemed it legally sufficient with an effective filing date of August 9, 2022 (file no. 06-2022). Per RCW 36.93.100, the NOI for the proposed merger has a 45-day review period that expires on September 23, 2022. County Council action on the proposed fire district merger must be within the 45-day review period. The BRB, consistent with its annexation review procedures outlined in Chapter 2.77 SCC, distributed the NOI to Planning and Development Services (PDS) and PDS distributed it to County

departments for comments, which have been incorporated into this staff report. The County Council's authority for reviewing fire district annexations is set forth in RCW 52.04.031 and SCC 2.77.040. Pursuant to SCC 2.77.040, the County Executive is required to review the annexation and make a recommendation to the County Council. The options for the County Council are to either:

- Approve the annexation, and not invoke the jurisdiction of the BRB, or
- Not approve the annexation and invoke the jurisdiction of the BRB.

If the County Council approves the annexation, BRB jurisdiction could be invoked by another party during the 45-day BRB review period, which ends September 23, 2022. The County Council findings and decision to approve or not approve the annexation will be transmitted to the BRB.

The proposed annexation is for the parcel at 22020 157th Avenue SE, Snohomish, Washington. This five-acre parcel is located west of High Bridge Road and north of the border with King County. The parcel is bordered by SRFR'S service boundary to the north and west. The annexation is an extension of SRFR'S service area and will not create any irregular boundaries.

REVIEW

The following review of the proposed Harrison annexation considers the criteria of RCW 52.04.031 and SCC 2.77.040. Annexations by a fire protection district under chapter 52.04 RCW are subject to potential review by the BRB or boards of the county.

RCW 52.04.031 authorizes that a petition for annexation of an area located within reasonable proximity to a fire district shall be in writing, and addressed to and filed with the board of fire commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor or auditors, of not less than sixty percent of the area of land included in the annexation petition. The petition shall state the financial obligation to be assumed by the area to be annexed.

SRFR's annexation of the parcel has no apparent impacts on factors the Boundary Review Board may consider as part of RCW 36.93.170 or the objectives of the Board pursuant to RCW 36.93.180.

SCC 2.77.040 contains impacts relevant to the BRB considerations as established by state law and County impacts considerations: The following comments relate to RCW 36.93.157: "The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210."

- I. Location, acreage, number of residences: The proposed annexation is in south-west Snohomish County west of High Bridge Road. The annexation is for one parcel of land that is approximately 5 acres in area. There is one residence on the parcel.
- II. Total assessed value of the subject area(s): The assessed valuation is \$831,400.
- III. Consistency of the proposal with GMA planning goals, UGA designations, Countywide Planning Policies (CPPs), and the County's comprehensive plan:

- a. GMA planning goals in RCW 36.70A.020: The proposed annexation is consistent with GMA planning goal (12) Public facilities and services as adequate service levels shall be provided to serve local populations. Providing fire protection services is consistent with GMA planning goal (12):

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

- b. Snohomish County CPPs: The proposed annexation supports the public services and facilities goal of coordinating, developing, and providing adequate and efficient public facilities and services to ensure the health, safety, and conservation of resources for communities and residents. The proposed annexation is consistent with CPP Public Services and Facilities (PS) policy 5:

PS-5: Public services and infrastructure provided by jurisdictions in rural and resource areas should be at a level, scale, and in locations that do not induce urban development pressures.

- c. Snohomish County GMA Comprehensive Plan (GMACP): The proposed annexation is consistent with the Capital Facilities Plan and the GPP of the GMACP.
 - The proposed annexation is consistent with Essential Public Facilities (CF) policy 12.A.2:

CF 12.A.2: Local essential public facilities shall be sited to support the countywide land use pattern, support economic activities, reduce environmental impacts, provide amenities or incentives, and minimize public costs.

II. Impact relevant to BRB consideration as established by state law. The following comments relate to RCW 36.93.170 – Factors to be considered by the BRB.

- a. **Factor 1.** “Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development regulations adopted under chapter 36.70A RCW; applicable service agreements entered into under chapter 36.115 or 39.34 RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;”

The proposed annexation is consistent with Factor 1 in the following ways:

- The parcel is adjacent to SRFR'S service boundaries and is a logical extension of the service area.
- It will not create any abnormally irregular boundaries.
- It will not change service areas but will slightly expand SRFR's jurisdiction.
- A response on the proposed merger was received from the County's Surface Water Management (SWM) division of the Department of Conservation and Natural Resources (DCNR), which stated that no impacts to SWM utility district boundaries would occur with the proposed annexation, and there would be no impacts anticipated to SWM boundaries, revenues, or programs.

- b. **Factor 2.** "Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the finances, debt structure, and contractual obligations and rights of all affected governmental units."

The proposed annexation is consistent with Factor 2 in the following ways:

- Current municipal services will not be affected by the proposed annexation. There will be no changes to existing service levels.
- The County's SWM division of DCNR stated that no impacts to SWM utility district boundaries would occur with the proposed annexation, and there would be no impacts anticipated to SWM revenues or programs.

- c. **Factor 3.** "The effect of the proposal or alternative on adjacent areas, on mutual economic and social interests, and on the local governmental structure of the county."

The proposed annexation is consistent with Factor 3 in the following ways:

- The proposed annexation has no impact on adjacent properties in the area.

- III. Impacts relevant to BRB considerations as established by state law. The proposal meets the Objectives of the BRB as listed in RCW 36.93.180 in the following manner:

- a. **Objective 1.** "Preservation of natural neighborhoods and communities": The proposed annexation will have no impact on existing neighborhoods and communities.

- b. **Objective 2.** “Use of physical boundaries, including but not limited to bodies of water, highways, and land contours”: The proposed annexation follows parcel boundaries, and is a logical extension of SRFR’s service area.
- c. **Objective 3.** “Creation and preservation of logical service areas”: The proposed annexation will not change service areas but will slightly expand SRFR’S jurisdiction.
- d. **Objective 4.** “Prevention of abnormally irregular boundaries”: The proposed annexation will not create any abnormally irregular boundaries.
- e. **Objective 5.** “Discouragement of multiple incorporations of small cities and encouragement of incorporation of cities in excess of ten thousand population in heavily populated urban areas”: This objective is not applicable.
- f. **Objective 6.** “Dissolution of inactive special purpose districts”: This objective is not applicable.
- g. **Objective 7.** “Adjustment of impractical boundaries”: This objective is not applicable.
- h. **Objective 8.** “Incorporation as cities or towns or annexation to cities or towns of unincorporated areas which are urban in character”: This objective is not applicable.
- i. **Objective 9.** “Protection of agricultural and rural lands which are designated for long term productive agricultural and resource use by a comprehensive plan adopted by the county legislative authority”: The proposed annexation will not impact adjacent include agricultural and rural lands.

IV. **All County fiscal, departmental, and other impacts:** No fiscal County impacts or other departmental impacts anticipated. Snohomish County does not provide fire suppression services. As per SRFR fire district, no impacts to service levels are anticipated.

V. **Impacts to County facilities and other county-owned property:** No impacts to County facilities or county-owned property.

VI. **Impacts to the provision of public facilities and services:** No impacts to the provision of public facilities and services anticipated. As per SRFR fire district, no impacts to service levels are anticipated.

CONCLUSIONS:

Based on County review, PDS concludes that the Snohomish Regional Fire & Rescue (SRFR) Harrison annexation is consistent with the applicable statutory provisions governing annexations. This conclusion has been reached by comprehensively reviewing the proposed annexation against the requirements of RCW 52.04.031 for authorization, the applicable BRB factors and objectives, County codes, and other applicable statutes per RCW 52.04.

The recommendation to the County Council from PDS is to **not invoke** the jurisdiction of the BRB and **approve** the SRFR Harrison Annexation.

cc: Ken Klein, Executive Director
Mike McCrary, Director, PDS
David Killingstad, Manager, PDS
Ryan Countryman, Senior Council Legislative Analyst